IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 74 OF 2006.

Nivrutti Maruti Matere & anr. ... Appellants.
Versus.
Khaserao Yeshwantrao Pawar & ors. ... Respondents.

Mrs.Indrayani Koparkar holding for Shri N.P.Deshpande for the Appellants.

Shri V.G.Mujumdar for the Respondents Nos.1 to 4.

CORAM : ABHAY S.OKA, J.

DATED : 28th November, 2007.

P.C.:

1. The Advocate for the Appellants on instructions states state that the Appellant is not pressing the Appeal on merits. The Advocate however submits that considering the fact that the Appellants are in possession of the suit premises which are residential premises for a long time, the Appellants be granted longer time to vacate as they will have to find out some other accommodation. The said prayer is opposed by the learned Advocate appearing for the Respondents.

2. The Appellants are unconditionally withdrawing the Appeal. Considering the fact and circumstances of the case the prayer made by the Advocate for the Appellants deserves to be granted.

3. Hence the following order is passed:

i) The Appeal is dismissed as not pressed.

ii) Notwithstanding the dismissal of the Appeal, the decree for possession shall not be executed till 30th November 2008, subject to condition of the Appellants filing usual undertaking to vacate in this Court within a period of four weeks from today.

iii) If the undertaking is not filed within the stipulated time, the decree will forthwith become executable on expiry of the period of four weeks.

iv) Copy of the undertaking shall be furnished to the Advocate for the Respondents.

v) The parties to act on an authenticated copy of this order.

Judge.